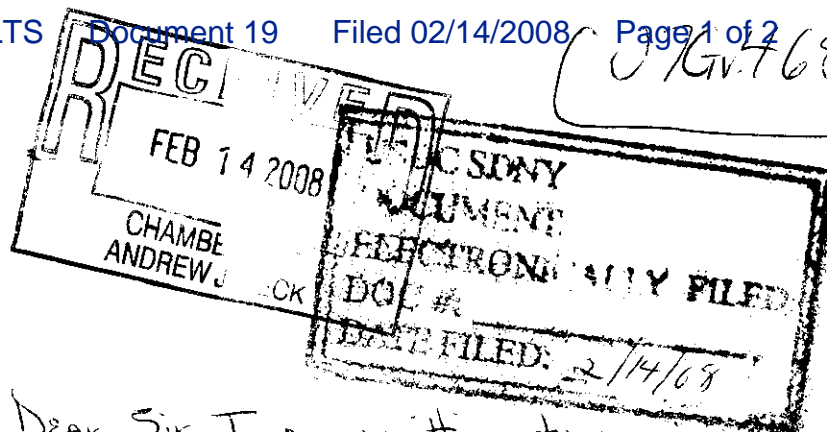


To: Judge Andrew J. Peck



Dear Sir I am writting to you in regards to my motion I sent to the courts concerning a new D.N.A test. The courts have totally ignor'd my motion and I anticipated that from the court. The bottom line is the court doesn't want me to have another test done. Sir I can prove I didn't do any of the heinous stuff, I just need a new test done. I don't have the power to force them to do the test and the courts know that. So unless I get someone like yourself to force the issue I'm dead in the water. I can't do this alone sir, I need your help please. Sir even if I get another test done and prove my innocence the lower courts will not accept it, that I'm sure of sir. So if you have any idea sir what I can do now please let me know. I'm trying to stay within the guidelines so that the lower court's don't cry foul. So I appreciate everything you do for me sir, I couldn't of gotten this far without your help sir. Thank you very much sir for your time and patience with this case.

MEMO ENDORSED 2/14/08

The court cannot give you legal advice. But you cannot bring a habeas action in federal court until you have exhausted it in state court. You might want to the Innocence Project at Cardozo Law School to see if they are interested in assisting you.

Sincerely

Edward Mitchell

SO ORDERED:

Hon. Andrew Jay Peck
United States Magistrate Judge

cc: [Signature]
Eugene Swain

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: February 14, 2008

Total Number of Pages: 2

TO	FAX NUMBER
Susan Gliner, Esq. Nicole Beder, Esq.	212-335-9288

TRANSCRIPTION:

MEMO ENDORSED 2/14/08

The Court cannot give you legal advice. But you cannot bring a habeas claim in federal court until you have exhausted it in state court. You might write to the Innocence Project at Cardozo Law School to see if they are interested in assisting you.

**Copies to: Elbert Mitchell (Mail)
Judge Laura Taylor Swain**